

KRIS MAYES
ATTORNEY GENERAL
 (Firm State Bar No. 14000)

Joshua D. Bendor (No. 031908)
 Hayleigh S. Crawford (No. 032326)
 Joshua M. Whitaker (No. 032724)
 Kathryn E. Boughton (No. 036105)
 Timothy E.D. Horley (No. 038021)
 Office of the Arizona Attorney General
 2005 N. Central Avenue
 Phoenix, AZ 85004-1592
 (602) 542-3333
Joshua.Bendor@azag.gov
Hayleigh.Crawford@azag.gov
Joshua.Whitaker@azag.gov
Kathryn.Boughton@azag.gov
Timothy.Horley@azag.gov
ACL@azag.gov

Attorneys for Defendants
Attorney General Kris Mayes,
ADOT Director Jennifer Toth,
and State of Arizona

UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA

Mi Familia Vota, et al.,

 Plaintiffs,

 v.

 Adrian Fontes, et al.,

 Defendants.

No. CV-22-00509-PHX-SRB (Lead)

**STIPULATION REGARDING
 ACCESS TO ADOT INFORMATION
 FOR REBUTTAL EXPERT REVIEW**

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
 No. CV-22-01003-PHX-SRB
 No. CV-22-01124-PHX-SRB
 No. CV-22-01369-PHX-SRB
 No. CV-22-01381-PHX-SRB
 No. CV-22-01602-PHX-SRB
 No. CV-22-01901-PHX-SRB

1 The Director of the Arizona Department of Transportation (“ADOT Director”) is a
 2 party in this case as explained in a previous stipulation. (Doc. 381.) Consolidated Plaintiffs
 3 previously requested certain individualized data from ADOT’s Motor Vehicle Division
 4 (“MVD”) for expert review. Because this data pertains to millions of Arizonans and raises
 5 potential privacy concerns, Consolidated Plaintiffs and the ADOT Director entered into a
 6 stipulation regarding access to this information. (Doc. 527.) The ADOT Director clarified
 7 that she “would be willing to provide a defense expert or experts the same data under the
 8 same restrictions.” (*Id.*, pg. 2.)

9 Intervenor-Defendant Republican National Committee has requested the same data
 10 for review by a defense rebuttal expert. Accordingly, the ADOT Director hereby enters
 11 into a similar stipulation with the undersigned defendants (hereafter “Defendants”).¹

12 Subject to restrictions described below, the ADOT Director agrees to provide a
 13 defense rebuttal expert or experts the following data for each active MVD record:

- 14 • MVD customer number
- 15 • AZ credential number
- 16 • Value in the NonCitizen field in the monthly extract provided to the Secretary of
 17 State (Y or blank)
- 18 • Credential issuance date
- 19 • Credential expiration date

20 Defendants agree that such data will be treated as “Confidential – For Counsel Only”
 21 under the Supplemental Protective Order (Doc. 457) and their expert or experts will abide
 22 by the conditions of this designation. Defendants acknowledge that the Driver Privacy
 23 Protection Act independently protects personal data, which means unlawful disclosure may
 24 not only violate the Supplemental Protective Order but also may result in civil and criminal
 25 liability. *See* A.R.S. § 28-457.

26
 27
 28 ¹ This stipulation does not include the Arizona Secretary of State or the County Recorder
 defendants.

Defendants further agree as follows:

- Such data may not be transmitted except via secure file transfer.
- Such data may not be copied except as may be necessary for expert use in this litigation.
- Such data may be viewed only by counsel of record and by retained experts for whom the data is relevant to their expert analysis.
- Such data may not be viewed by more than 16 of Defendants' attorneys (though substitutions are permissible if an attorney exits the case or is absent or on leave for more than two weeks).

For clarification, these restrictions apply to the individualized data being provided, not to an overall analysis performed by an expert based on the data.

DATED this 26th day of September, 2023.

KRISTIN K. MAYES
ATTORNEY GENERAL

By: /s/ Joshua M. Whitaker

Joshua D. Bendor (No. 031908)
Hayleigh S. Crawford (No. 032326)
Joshua M. Whitaker (No. 032724)
Kathryn E. Boughton (No. 036105)
Timothy E.D. Horley (No. 038021)

Attorneys for Defendants
Attorney General Kris Mayes,
ADOT Director Jennifer Toth,
and State of Arizona

**COUNSEL FOR REPUBLICAN
NATIONAL COMMITTEE**

By: /s/ Kory Langhofer (with permission)

Kory Langhofer, AZ Bar 024722
Thomas Basile, AZ Bar 031150
Statecraft PLLC
649 N. Fourth Avenue, First Floor
Phoenix, Arizona 85003
(602) 382-4078
kory@statecraftlaw.com
tom@statecraftlaw.com

Tyler Green*
Cameron T. Norris*
James P. McGlone*
Consovoy McCarthy PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
tyler@consovoymccarthy.com
cam@consovoymccarthy.com
jim@consovoymccarthy.com
**admitted pro hac vice*

*Counsel for Intervenor-Defendant
Republican National Committee*

GALLAGHER & KENNEDY, P.A.

By: /s/ Hannah H. Porter (with permission)

Kevin E. O'Malley
Hannah H. Porter
Ashley E. Fitzgibbons
2575 East Camelback Road
Phoenix, Arizona 85016-9225

*Attorneys for Intervenor-Defendants
Speaker Toma and President Petersen*